

ORDINANCE NO. 1652

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438, BY REZONING CERTAIN PROPERTY FROM RESIDENTIAL R-10 TO RESIDENTIAL R-2 ZONES (ZC-88-04).

WHEREAS, Waverley Greens Apartments made application for a Zone Map Amendment from R-10 to R-2 on property described as Lot 11 of Waverley Heights Subdivision in the City of Milwaukie, and

WHEREAS, the Planning Staff, by its report dated October 25, 1988, has recommended approval of the application with conditions; and

WHEREAS, the City Council held a public hearing on this application on December 6, 1988, following public notice, to afford the general public an opportunity to be heard; and

WHEREAS, testimony and evidence was presented to the City Council at the above-identified hearing; and

WHEREAS, on December 6, 1988, a decision was made to grant preliminary approval of the above-identified application subject to the preparation and adoption of findings of fact, conclusions of law and conditions of approval; and

WHEREAS, the City Council finds that this request complies with the applicable provisions of the City of Milwaukie Comprehensive Plan and the City's Zoning Ordinance for the reasons stated in the document entitled "Findings of Fact and Conclusions of Law to Support Approval of Request for Zone Map Amendment to R-2 - Waverley Greens Apartments to File No. ZC-88-04" attached hereto and incorporated herein by this reference, which are hereby adopted as the findings and conclusions of the City Council.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

1. The requested zone change is approved and granted, based upon the findings and conclusions adopted herein, subject to compliance with the conditions of approval set forth in Section 22 herein;
2. Failure to meet the following conditions of approval within three years of the adoption of this ordinance and any appeal thereof will invalidate this action, and the zoning designation shall remain the same as existed prior to this approval.

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- A. A traffic study of Lava Drive and its intersection with Waverley Court and SE 17th Avenue shall be prepared by the Applicant and submitted to City staff for approval as a Type II Administrative Action. Mitigation measures required from the traffic study will be provided by the Applicant prior to issuance of occupancy permits.
- B. The Applicant shall install a storm sewer system of adequate design and capacity, subject to City Public Works approval as a Type II Administrative Action, prior to the issuance of occupancy permits.
3. The Applicant shall provide a performance contract or bond assuring installation of all improvements required under condition 2 herein.
4. The Zoning Map adopted by Ordinance 1438 is hereby amended by redesignating the subject property Residential R-2.

Read the first time on January 3, 1989, and moved to second reading by 4-1 vote of the City Council;

Read the second time on February 7, 1989, and adopted by the City Council on February 7, 1989.

Signed by the Mayor on February 7, 1989.

Roger A. Hall
Roger Hall, Mayor

ATTEST:

Jerri L. Widner
Jerri Widner, Finance Director

Approved as to form:

Timothy V. Ramis
Timothy V. Ramis, City Attorney